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★ JUL 3 2008 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIM ASSETS  
LITIGATION

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This Document Relates to: All Cases  
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**BROOKLYN OFFICE**

Case No. CV 96-4849 (ERK)(MDG)  
(Consolidated with CV 96-5161  
and CV 97-461)

MEMORANDUM & ORDER

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**MEMORANDUM & ORDER APPROVING SET 164: 18 AWARDS CERTIFIED BY THE  
CLAIMS RESOLUTION TRIBUNAL PURSUANT TO ARTICLE 31(2) OF THE RULES  
GOVERNING THE CLAIMS RESOLUTION PROCESS AND AUTHORIZING PAYMENT  
FROM THE SETTLEMENT FUND**

KORMAN, J.:

As provided under the Settlement Agreement, and in accordance with the procedures established in the December 8, 2000 Memorandum & Order and in the Distribution Plan, the Claims Resolution Tribunal (the "CRT") is hereby requesting the Court's approval, pursuant to Article 31(2) of the Rules, of 18 certified Awards listed in Annex A, and the resources to pay these Awards through funds to be deposited in the Swiss Banks Settlement-Dormant Accounts-Payment Account from the Settlement Fund. The total amount of these 18 Awards is US \$1,132,827.16 (SF 1,178,140.25 converted at a rate of 1.04 Swiss Francs per U.S. Dollar).

With this one hundred and sixty-fourth set, a total of US \$469,278,826.70 will have been awarded thus far. This total amount is comprised of Awards issued under CRT I and CRT II combined, and Plausible Undocumented Awards (PUAs). Under CRT I alone, which took place from 1997 through 2000, 207 accounts, with a value of US \$18,184,492.00, were awarded as accounts that had belonged to Victims of Nazi Persecution. Under CRT II alone, 2,634 Awards for 4,187 accounts totaling US \$390,096,125.78 will have been made to date to Victims or Targets of Nazi Persecution

making up the Deposited Assets Class, with the average Award amounting to US \$128,770.75.<sup>1</sup> The total number of PUAs issued to date is 12,360 less 167 full and partial deductions totaling \$60,998,208.92.

This submission includes one award to a claim that was previously addressed in the thirty-fourth set of No Match Decisions, which consisted of two thousand No Match Decisions and which the Court approved on October 28, 2007. *See Certified No Match Decision for Claimed Account Owner Viktor Treumann* (approved on October 28, 2007). In that decision, the CRT determined that no account belonging to the Claimed Account Owner could be located. On January 25, 2008, the Claimant's representative in that case requested reconsideration of the No Match Decision based upon copies of Austrian State Archive records he submitted indicating the existence of a Swiss bank account owned by Viktor Treumann. Upon further review of those records, the CRT concluded that the No Match Decision included in the thirty-fourth set should be rescinded. The Award *In re Treumann* (Tab 15) addresses this claim to the account of that account owner.

This submission includes four Awards to four Primary Claimants who previously received a Plausible Undocumented Award ("PUA"), as detailed in Annex B to this Order. Each recipient was made aware at the time the PUA was awarded that, in the event the CRT located a Swiss Bank account or accounts to which he/she was entitled, the PUA amount of US \$5,000.00 already received would be deducted from any future award(s) that may be made in connection with such account(s). Therefore, the amount requested for transfer to the Swiss Banks Settlement-Dormant Accounts - Payment Account equals the award amount of US \$1,132,827.16 for the 18 Awards referred to above less US \$20,000.00 for previous PUA payments, for a total of US \$1,112,827.16.

As set forth in the Awards and as required by Article 31(3) of the Rules, the Certified Awards shall be paid in full by the Special Masters after approval of such Awards by the Court.

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<sup>1</sup> In calculating the average value, the Set 75 award and the two Set 110 awards were excluded because their size made them outliers that would have skewed the result. The calculation further excludes four denial reversals, as well as payments of decisions on appeal remanded by Special Masters Michael Bradfield and Helen Junz, totaling US \$4,655,653.71.

Therefore, it is hereby

ORDERED that the *Certified No Match Decision for Claimed Account Owner Viktor Treumann* (approved on October 28, 2007) is hereby rescinded;

ORDERED that the attached 18 Awards are hereby approved for payment pursuant to Article 31(2) of the Rules;

ORDERED that for the payment of these 18 Awards certified by the CRT and approved by the Court, less the 4 payments previously made in the form of PUAs, the Signatories of the Settlement Fund are hereby ordered to transfer immediately US \$1,112,827.16 from the Settlement Fund to the Swiss Banks Settlement-Dormant Accounts-Payment Account;

It is further ordered that the Special Masters shall provide the Court with the name and address of every class member receiving an Award, which information shall be filed with the Court under seal.

I will issue additional orders approving Awards certified by the CRT and transferring further sums from the Settlement Fund as the CRT certifies them to this Court.

Dated: Brooklyn, New York  
May 30 2008

SO ORDERED:

s/Edward R. Korman  
Edward R. Korman  
United States District Judge

# CLAIMS RESOLUTION TRIBUNAL

**[BATCH CLXIV] - ANNEX A**

Pursuant to Article 16 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby certifies as of 29 May 2008 the following Awards for approval by the Court and payment by the Special Masters:

Account Owner Last Name and Claim Number		Award Amount (SFr.)
1.	Glück 003780/WI; 201702/WI; 219793/WI; 715439/WI; 773552/WI*	26,750.00
2.	Hirsch 002151/JG	49,375.00
3.	Kahn 216938/JG; 400672/JG; 402249/JG; 501799/JG	162,500.00
4.	Kaufmann 212789/DE; 224064/DE	10,375.00
5.	Kürschner 209572/MBC	49,375.00
6.	Lukács 788464/DE	26,750.00
7.	Neumann 401748/WT	26,750.00
8.	Polacco 751282/MBC	49,375.00
9.	Reitlinger 213066/WI; 400175/WI; 401461/WI; 402248/WI	10,375.00
10.	Roth 215713/WI; 220368/WI*	102,875.00
11.	Schönfeld 208972/JG	26,750.00
12.	Schwartz 710093/MBC; 710094/MBC; 710095/MBC; 710096/MBC; 710097/MBC; 710098/MBC; 710099/MBC; 711033/MBC*	49,375.00
13.	Silberberg 200407/LH	49,375.00
14.	Steinberg 300150/WI; 300151/WI; 300152/WI; 300153/WI; 300154/WI	96,250.00
15.	Treumann 501719/RS**	225,890.25
16.	Weinberg & Neumann 600207/CU; 778139/CU	26,750.00
17.	Wurmfeld 401468/WT	162,500.00
18.	Zucker 400528/MBC	1,178,140.25
<b>TOTAL</b>		<b>\$ 1,132,827.16</b>
<b>Total amount in US Dollars<sup>2</sup></b>		

\* MPM award

\*\* Award based on request for reconsideration

<sup>2</sup> Exchange rate as of 29 May 2008 of 1.04 Swiss Francs per U.S. Dollar.

## CLAIMS RESOLUTION TRIBUNAL

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***[BATCH CLXIV] - ANNEX B***  
***UNREDACTED / CONFIDENTIAL***

Deduction for Plausible Undocumented Awards previously issued by the Claims Resolution Tribunal:

<b>Account Owner Last Name and Claim Number</b>	<b>Claimant Name</b>	<b>Amount to be deducted (in US \$)</b>
Glück 003780/WI; 201702/WI; 219793/WI; 715439/WI; 773552/WI*	Estate of Michael Gardos	\$ 5,000.00
Polacco 751282/MBC	Maria Grazia Polacco	\$ 5,000.00
Schönfeld 208972/JG	Tiana Borris	\$ 5,000.00
Treumann 501719/RS**	Eva Doris Schulz	\$ 5,000.00
<b>Total PUA Deduction Amount in US Dollars</b>		<b>\$ 20,000.00</b>
<b>Total Set Amount Awarded in US Dollars</b>		<b>\$ 1,132,827.16</b>
<b>Total Net Set Amount (after deduction) in US Dollars</b>		<b>\$ 1,112,827.16</b>

\* MPM award

\*\* Award based on request for reconsideration